

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 09-15-03

143

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-6</b>
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow. The Plat proposes to subdivide 20.09 acres of land into 45 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The property is located south of 37 <sup>th</sup> Avenue SE along the south side of 20 <sup>th</sup> Street SE.		PREPARED BY: Theresa Fogarty, Planner

September 10, 2003

**Note: The applicant has submitted a revised preliminary plat. Staff is recommending revising Condition # 1. Recommended revisions are shown as ~~strikeout text~~ for text to be deleted and text to be added is shown as underlined text.**

## **City Planning and Zoning Commission Recommendation:**

The City Planning and Zoning Commission held a public hearing on August 13, 2003 to consider this preliminary plat.

Mr. Cedric Schutz of Land Consultants of SE Minnesota, addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

- 1. ~~The Plat shall be revised, prior to the City Council hearing:~~**
  - ~~a. Renaming one of the cul-de-sacs keeping the roadway type "Lane" and directional of "SE". Roadway naming as seen on the preliminary plan can stand as is with an additional sign being placed at the intersection of 37<sup>th</sup> Avenue SE and Wildwood Lane SE calling out the addressing range to the east and west of the intersection.~~**
  - ~~b. Dedicating controlled access along the entire frontage of 20<sup>th</sup> Street SE, with the exception of the proposed local street access. In addition, controlled access shall be dedicated along the entire frontage on both sides of 37<sup>th</sup> Avenue SE and within 35 feet of the intersection of 37<sup>th</sup> Avenue SE and Wildwood Lane SE.~~**
  - ~~c. Dedicating a 10' wide utility easement along the west lot line of Lot 1, Block 1 and along the east lot line of Lot 29, Block 2.~~**
  - d. Dedicating an outlot(s) for all permanent detention facilities.**
  - ~~e. Label the 100-year flood elevation boundary.~~**
- 2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for any areas of this property that are not served by on-site detention, and are permitted to participate in the City's SWMP.**
- 3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10 foot wide bituminous pedestrian path along the entire frontage of the property abutting 20<sup>th</sup> Street SE.**

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

4. ***Dedication of parkland shall be met via: cash in lieu of land, as recommended by the City Park & Recreation Department in the attached memo, dated August 14, 2003.***
5. ***Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, contributions for public infrastructure and the Ownership & Maintenance Agreement for "Outlot A" and the additional Outlot(s) platted for on-site stormwater ponding.***
6. ***No Parking shall be permitted along either side of 37<sup>th</sup> Avenue SE.***
7. ***A 480' long paved right turn lane shall be provided, at the expense of the owner, along 20<sup>th</sup> Street SE to 37<sup>th</sup> Avenue SE. The Owner shall obtain the necessary access permits from Olmsted County Public Works.***
8. ***An additional fire hydrant shall be placed on the corner of 37<sup>th</sup> Street SE and Wildwood Lane SE.***
9. ***The Owner shall successfully amend the floodplain boundaries through FEMA and the City of Rochester to facilitate the development proposed.***
10. ***The property shall be annexed to the City of Rochester, prior to development.***
11. ***This Plat does not constitute specific site plan approval or approval of dwelling placement. This property is subject to Shoreland and Floodplain regulations, in addition to standard zoning regulations of the Rochester Zoning Ordinance and Land Development Manual. The placement of all dwellings shall meet the setback or development standards of the Shoreland District.***
12. ***An alternative street design for Wildwood Lane SE is required to address modifications to Wildwood Lane SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.***
13. ***Approval of the preliminary plat is contingent upon the applicant receiving a LOMR from FEMA for the floodway and flood prone district on the property. Also, the applicant shall receive a conditional use permit for any proposed filling within the floodprone district. The Conditional Use Permit must be obtained prior to a final plat submittal for the property. If a LOMR is not approved by FEMA, the plat shall be revised to remove all residential development from the floodway.***
14. ***The applicant shall submit to the City for review and approval a Delineation Plan for a Wetland Boundary of this plat.***

Ms. Rivas moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow with staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion to recommend approval carried 5-3 with Ms. Petersson, Mr. Staver and Mr. Hauessinger voting nay.

**Planning Department Recommendation:**

See attached staff report, dated August 22, 2003.

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**Council Action Needed:**

1. ***The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.***

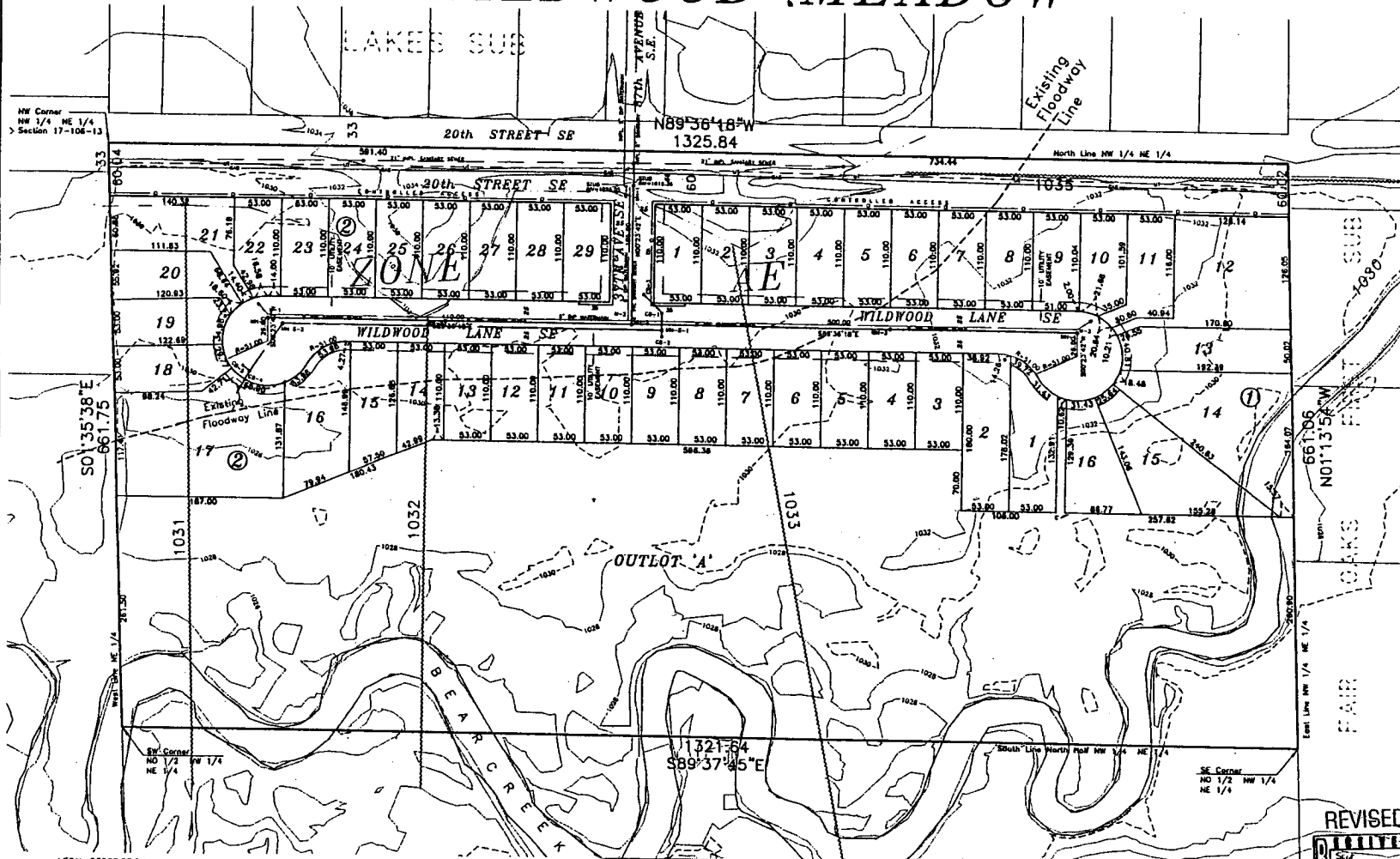
**Attachments:**

1. Staff report, dated August 22, 2003.
2. Minutes of the August 27, 2003 CPZC Meeting.
3. Revised Preliminary Plat, dated September 10, 2003.
4. Address Issue Tracker Memorandum, Planning Department – GIS Division.

**Distribution:**

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, September 15, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. Land Consultants of SE Minnesota

# WILDWOOD MEADOW

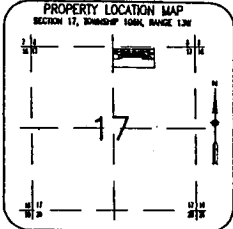


## LEGAL DESCRIPTION:

The North Half of the Northwest Quarter of Northeast Quarter of Section 17, Township 106, Range 13, District 13, Minnesota; subject to right of way for 20th Street Southeast over the northerly 33.00 feet strip; containing 20.00 acres, more or less, including said right of way and 18.00 acres, more or less, excluding said right of way.

Owners/Developers: Dallas M. Bockhaus & Donna Rae Mann  
2710 Melody Street  
Rochester, MN 55904  
273-1073

NOTE: The new bridge to be constructed over 20th Street will change the location of the Floodway Line. Phase 2 will require the new bridge and channelization grading.

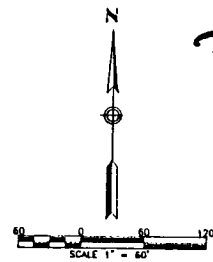


Lead Surveying  
Map-Load  
Planning  
Consulting - Civil Engineering  
Head Office: 1000 S.E. 1st Avenue, Suite 100  
Tulsa, Oklahoma 74103  
Telephone: (918) 592-1111

**McGhie**  
Civil Engineering  
Geotechnical  
Landmarks  
Architectural

**Betts, Inc.**  
1100 West 10th Street  
Tulsa, Oklahoma 74103  
Telephone: (918) 592-1111

B.M. ELEV. 1036.36  
R.R. SPIKE IN PP  
INTERSECTION OF 20TH ST.  
S.E. & 37TH AVE. S.E.



## LEGEND

POWERPOLE	0
GUY ANCHOR	1
SANITARY MANHOLE	0
STORM MANHOLE	0
CATCH BASIN	23
TELEPHONE BOX	66
TELEPHONE MANHOLE	0
LIGHTPOLE	0
FIRE HYDRANT	34
GATE VALVE	1
FENCE	---
SANITARY SEWER	2" SANITARY
UNDERGROUND TELEPHONE	UT
UNDERGROUND ELECTRIC	UGE
STORM SERVICE	12" RCP
8" DIP WATERMAIN	---
GAS	---
OVERHEAD ELECTRIC	OWE
100 YEAR FLOOD ELEV.	1033

## PRELIMINARY PLAT

PREPARED: 07/15/03  
REVISED: 08/18/03

UNLIT ELEVATION: 1036.36  
An unadvised consent to the construction and maintenance of all necessary underground or surface public utilities including rights to conduct drainage and sewerage on and around.

CONTROLLED ACCESS (CA) defined:  
Ingress or egress to, from, or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.08

NOTE:  
Phase 2 is Potential Future Residential - If Floodway is Amended

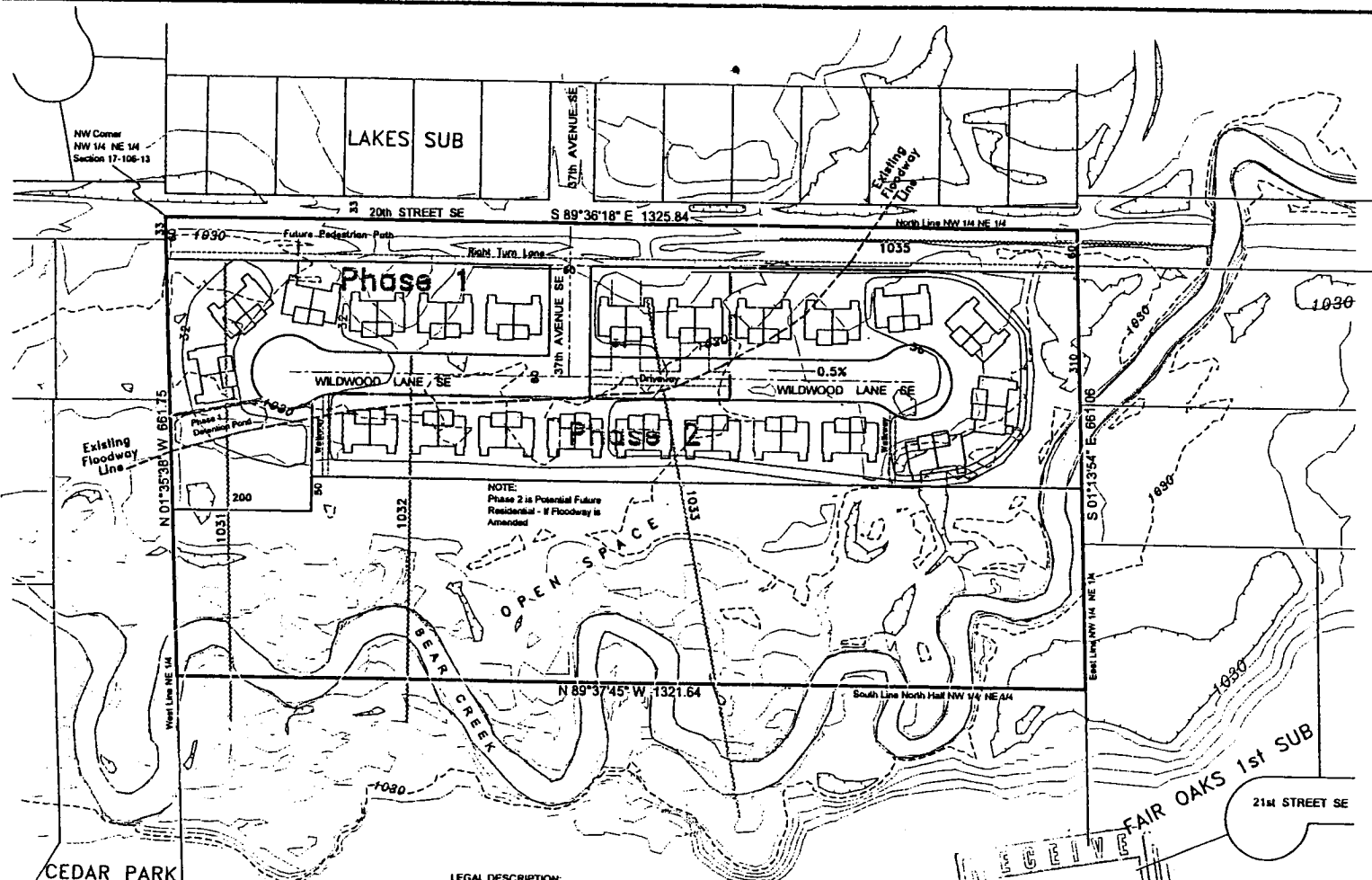
I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: [Signature]  
No. 15229  
Cecile Schulz



WILDWOOD MEADOW	
JULY 16, 2003	JOB NO: 11979-03
LAND CONSULTANTS OF SOUTHERN MINNESOTA, INC. 1118 First Avenue N.E. Rochester, Minnesota 55906 (507) 386-8833	BOUNDARY SURVEYS • LAND SUBDIVISION • DEVELOPMENT PLANNING •

WILDWOOD MEADOW



# LEGEND

- - - - - 1030 - EXISTING 10 FOOT CONTOUR
- - - - - 1032 - EXISTING 2 FOOT CONTOUR
- - - - - 1033 - PROPOSED 2 FOOT CONTOUR
- - - - - 1033 - 100 YEAR FLOOD ELEVATION
- - - - - DENOTES PROPOSED PHASES
- - - - - DENOTES EXISTING FLOODWAY LINE

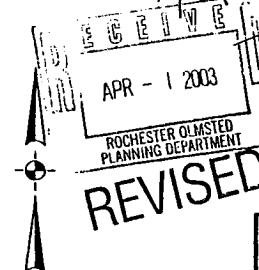
## LEGAL DESCRIPTION:

The North Half of the Northwest Quarter of Northeast Quarter of Section 17, Township 106, Range 13, Olmsted County, Minnesota; subject to right of way for 20th Street Southeast over the northerly 33.00 feet thereof, containing 20.09 acres, more or less, including said right of way and 19.08 acres, more or less, excluding said right of way.

Owners: Dallas M. Backhus & Donna RaeMann  
2710 Melody Street  
Rochester, MN 55904  
273-1073

Proposed Zoning: R-1x Mixed Single Family Extra District

NOTE: The new bridge to be constructed over 20th Street will change the location of the Floodway Line. Phase 2 will require the new bridge and channelization grading.



I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Cedric Schutz  
No. 15229

REVISED 03-31-03 Database, Pedestrian Path, Turn Lane, Driveway

## WILDWOOD MEADOW Zone Change & General Development Plan

JANUARY 30, 2003

JOB NO: 11979-03



LAND CONSULTANTS  
OF SOUTHERN MINNESOTA, INC.  
1418 First Avenue N.E.  
Rochester, Minnesota 55905  
(507) 286-5855

- BOUNDARY SURVEYS
- LAND SURVEYS
- DEVELOPMENT PLANNING

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Preliminary Plat #03-26  
Wildwood Meadow  
800' Notification Distance  
Ward 4 Stobaugh  
08/01/03

## Address issue Tracker

### WILDWOOD MEADOWS

FEBRUARY 18, 2003 I looked at the GDP and found one issue. Both cul-de-sacs will need to have a unique designation. Worked up response and emailed Jennifer G. and Cedric Schutz of Land Consultants.

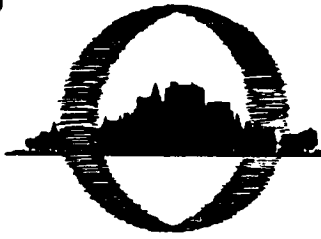
April 2, 2003 I looked at the REVISED GDP for Wildwood Meadows and found that they have taken the roadway designator for the west end of cul-de-sac (**WILDWOOD LANE SE**) and applied it to the east end of the cul-de-sac also. This will not work, as each cul-de-sac needs a unique designation. Worked up response and emailed Mitzi Baker, Jennifer G. AND Cedric Schutz at Land Consultants.

August 14, 2003 I looked at the Preliminary Plat for the Wildwood Meadow #03-26 and found only one issue, The use of WILDWOOD LANE SE on both of the cul-de-sacs. Worked up response and emailed Jennifer G. and Land Consultants of SE MN at lconsultants@mcleodusa.net



September 5, 2003 I had a telephone conversation with Dallas Backhaus about the use of the same roadway designation for both cul-de-sacs in plat. On August 14 I made comment that one of the cul-de-sacs would need to be re-named, but Mr. Bachhaus and I reached an agreement that the roadway naming as seen on the preliminary plat can stand as is if an addition sign would be placed at the intersection of 37 Avenue SE and Wildwood Lane SE calling out the addressing range to the east and west of intersection.

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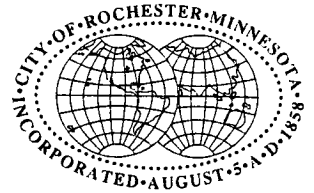


# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: August 22, 2003**

**RE: Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow. The Plat proposes to subdivide 20.09 acres of land into 45 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The property is located south of 37<sup>th</sup> Avenue SE along the south side of 20<sup>th</sup> Street SE.**

## **Planning Department Review:**

**Applicant/Owner:**

Dallas M. Backhaus & Donna Rae Mann  
2710 SE Melody Street  
Rochester, MN 55904

**Surveyors/Engineers:**

Land Consultants of SE Minnesota  
1418 First Avenue NE  
Rochester, MN 55906

**Referral Comments:**

1. Rochester Public Works Department
2. Park and Recreation Department
3. Planning Department - John Harford, Wetlands Representative
4. Planning Department - Addressing staff
5. Public Utilities - Operations Division
6. Rochester Fire Department
7. Olmsted County Public Works
8. Planning Department – Transportation Staff
9. MN Department of Transportation
10. MN Department of Natural Resources

**Report Attachments:**

1. Referral Comments (10 letters)
2. Location Map
3. Copy of Preliminary Plat
4. Wildwood Meadow approved GDP

## **Development Review:**

**Location of Property:**

The property is located south of 37<sup>th</sup> Avenue SE along the south side of 20<sup>th</sup> Street SE.





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**Zoning:**

The property is currently zoned R 1-X (Mixed Single Family Extra), on the City of Rochester Zoning Map. Though this property is not currently in the City limits, it is within the Orderly Annexation agreement area with Marion Township for which the City of Rochester extended land use and zoning controls. The property will need to be annexed prior to development.

**Proposed Development:**

This development is subdividing approximately 20.09 acres of land into 45 lots for single family development, and one Outlot.

**Roadways:**

This plat proposes to dedicate right-of-way for two new roadways.

The first roadway identified as "20<sup>th</sup> Street SE" is designed with a 60' right-of-way. Dedication of controlled access is required on the Final Plat along the entire frontage of 20<sup>th</sup> Street SE, with the exception of the proposed local street access. A 480' long paved right turn lane shall be required along 20<sup>th</sup> Street SE to 37<sup>th</sup> Avenue SE. The Developer is responsible for all costs associated with the construction of the right turn lane. The owner shall obtain an access permit from Olmsted County Public Works.

The second roadway is identified as "37<sup>th</sup> Avenue SE" and is designed with a 50' right-of-way. Dedication of controlled access is required on the Final Plat along the entire frontage on both sides of 37<sup>th</sup> Avenue SE and within 35 feet of the intersection of 37<sup>th</sup> Avenue SE and Wildwood Lane SE. No parking will be permitted along either side of 37<sup>th</sup> Avenue SE.

The third roadway identified as "Wildwood Lane SE" and is designed with a 50' right-of-way, ending in cul-de-sacs with a 51' radius. The use of the same roadway name on two cul-de-sacs cannot be accepted. It is recommended that one of the cul-de-sacs be renamed, keeping the roadway type Lane and directional of SE. An alternative street design for Wildwood Lane SE is required to address modifications to Wildwood Lane SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.

**Pedestrian Facilities:**

Pedestrian facilities (concrete sidewalk) is required at the Owner's expense, along the frontages of both sides of the new public streets within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of the property abutting 20<sup>th</sup> Street SE.

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**Drainage:**

Much of this property is encompassed by the Floodway for Bear Creek. The remainder of the property is within the 100-year Flood Prone district. Placement of fill on this property will require a conditional use permit. In addition, the applicant is proposing to amend the Floodway boundary in the future. This will need to be done in coordination with the Planning Department, County Public Works, MNDNR and FEMA.

Grading and drainage plans will need to be approved by the City Public Works Department prior to the submittal of the final plat.

The General Development Plan for this Property indicates on-site stormwater management, however, no such facilities are indicated on the Preliminary Plat. A condition of approval for the General Development Plan was that "the direct discharge of untreated storm water to Bear Creek is not permitted, and at a minimum, on-site storm water quality/sedimentation ponding will be required." All permanent detention facilities shall be platted as Outlot(s) and will require the execution of an Ownership & Maintenance Agreement prior to final plat approval. A Storm Water Management fee will be applicable for benefit of participation in the City's Storm Water Management Plan (SWMP), for any areas of this property that are not served by on-site detention, and are permitted to participate in the City's SWMP.

The owner shall address the loss of flood storage that would result from proposed filling in the Flood Plain.

**Wetlands:**

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. According to the Soils Survey, hydric soils do exist on this property. No wetland delineation has been completed for this property and submitted to the city.

**Public Utilities:**

An additional 10' wide utility easement will be needed along the west lot line of Lot 1, Block 1 and along the east lot line of Lot 29, Block 2.

Static water pressures within this area will range from the mid to upper 80' PSI.

An additional fire hydrant shall be placed on the corner of 37<sup>th</sup> Street SE and Wildwood Lane SE.

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- Flood District:** Most of the property is encompassed by the floodway for Bear Creek. In particular, Lots 6-16, Block 1 and Lots 1-17, Block 2 are in the floodway and no residential development can take place on these lots until the floodway boundary is amended. The remaining lots in the plat are within the 100 year flood prone district. A Conditional Use Permit will be required for filling and developing these lots. In addition to the flood districts, Shoreland Regulations also apply to the property. Some of the lots may not be developable because of the Shoreland Regulations.
- Spillover Parking:** As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 54 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.
- Parkland Dedication:** The Park & Recreation Department stated that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.
- General Development Plan:** This preliminary plat is included in the Wildwood Meadow General Development Plan, approved April 7, 2003 with 9 conditions.

**Staff Review and Recommendation:**

Section 61.225 of the Land Development Manual lists the findings, which must be considered by the Planning Commission, and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. The staff recommends approval with the following conditions / modifications:

- 1. The Plat shall be revised, prior to the City Council hearing:**
  - a. Renaming one of the cul-de-sacs keeping the roadway type "Lane" and directional of "SE".**
  - b. Dedicating controlled access along the entire frontage of 20<sup>th</sup> Street SE, with the exception of the proposed local street access. In addition, controlled access shall be dedicated along the entire frontage on both sides of 37<sup>th</sup> Avenue SE and within 35 feet of the intersection of 37<sup>th</sup> Avenue SE and Wildwood Lane SE.**

- c. *Dedicating a 10' wide utility easement along the west lot line of Lot 1, Block 1 and along the east lot line of Lot 29, Block 2.*
  - d. *Dedicating an outlot(s) for all permanent detention facilities.*
  - e. *Label the 100 year flood elevation boundary.*
2. *Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for any areas of this property that are not served by on-site detention, and are permitted to participate in the City's SWMP.*
3. *Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10 foot wide bituminous pedestrian path along the entire frontage of the property abutting 20<sup>th</sup> Street SE.*
4. *Dedication of parkland shall be met via: cash in lieu of land, , as recommended by the City Park & Recreation Department in the attached memo, dated August 14, 2003.*
5. *Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, contributions for public infrastructure and the Ownership & Maintenance Agreement for "Outlot A" and the additional Outlot(s) platted for on-site stormwater ponding.*
6. *No Parking shall be permitted along either side of 37<sup>th</sup> Avenue SE.*
7. *A 480' long paved right turn lane shall be provided, at the expense of the owner, along 20<sup>th</sup> Street SE to 37<sup>th</sup> Avenue SE. The Owner shall obtain the necessary access permits from Olmsted County Public Works.*
8. *An additional fire hydrant shall be placed on the corner of 37<sup>th</sup> Street SE and Wildwood Lane SE.*
9. *The Owner shall successfully amend the floodplain boundaries through FEMA and the City of Rochester to facilitate the development proposed.*
10. *The property shall be annexed to the City of Rochester, prior to development.*
11. *This Plat does not constitute specific site plan approval or approval of dwelling placement. This property is subject to Shoreland and Floodplain regulations, in addition to standard zoning regulations of the Rochester Zoning Ordinance and Land Development Manual. The placement of all dwellings shall meet the setback or development standards of the Shoreland District.*
12. *An alternative street design for Wildwood Lane SE is required to address modifications to Wildwood Lane SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.*

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***13. Approval of the preliminary plat is contingent upon the applicant receiving a LOMR from FEMA for the floodway and flood prone district on the property. Also, the applicant shall receive a conditional use permit for any proposed filling within the floodprone district. The Conditional Use Permit must be obtained prior to a final plat submittal for the property. If a LOMR is not approved by FEMA, the plat shall be revised to remove all residential development from the floodway.***

***14. The applicant shall submit to the City for review and approval a Delineation Plan for a Wetland Boundary of this plat.***

**Reminder to Applicant:**

- Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.
- A separate Site Development Review application will be reviewed by staff for specific site modifications/development.
- This Plat is subject to the Subdivision regulations, which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

**CITY OF ROCHESTER  
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL  
EXCERPTS**

**61.225 Finding for Land Subdivision:**

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

*Effective May 15, 1999*

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- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

**61.226 Conditions on Approvals:**

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 8/15/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-26 for the proposed Wildwood Meadow subdivision. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to Final Plat submittal.
3. An alternative street design for Wildwood Ln SE is required to address modifications to Wildwood Ln SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.
4. The GDP for this Property indicates on-site stormwater management, however, no such facilities are indicated on the Preliminary Plat. As previously indicated in Public Works GDP comments, the direct discharge of untreated storm water to Bear Creek is not permitted, and at a minimum, on-site storm water quality/sedimentation ponding will be required. All permanent detention facilities should be plated as Outlot(s) and will require the execution of an Ownership & Maintenance Agreement prior to Final Plat approval. A Storm Water Management fee will be applicable for the benefit of participation in the City's Storm Water Management Plan (SWMP), for any areas of this property that are not served by on-site detention, and are permitted to participate in the City's SWMP.
5. Pedestrian facilities are required along the entire frontages of both sides of the new public streets within this development. In addition, the Owner is obligated for providing a 10 foot wide bituminous pedestrian path along the entire frontage of the Property abutting 20<sup>th</sup> St SE.
6. Dedication of controlled access is required on the Final Plat along the entire frontage of 20<sup>th</sup> St SE, with the exception of the proposed local street access. Additional controlled access is required along the entire frontage on both sides of 37<sup>th</sup> Ave SE, and within 35 feet of the intersection of 37<sup>th</sup> Ave SE & Wildwood Ln SE.
7. Ownership & maintenance of the proposed Outlot 'A' needs to be addressed in the Development Agreement prior to Final Plat submittal.



# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

159  
DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

8. No Parking will be permitted along either side of 37<sup>th</sup> Ave SE.
9. The Owner shall address the loss of flood storage that would result from proposed filling in the Flood Plain.

Charges/fees applicable to the development of this property will be addressed in the Development Agreement and will include **(rates below were current through 7/31/03 and the actual rates will be based on those in place at the time of payment):**

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- ❖ Estimated Sewer Availability Charge (SAC) @ \$1790.25 per developable acre + \$716.10 per acre for downstream component.
- ❖ Sanitary Sewer & Watermain Connection Charge @ \$89.58 per foot along the frontage of 20<sup>th</sup> St SE
- ❖ Substandard Street Reconstruction Charge @ \$33.45 per foot of frontage along 20<sup>th</sup> ST SE
- ❖ Storm Water Management – TBD, for any areas that are not served by on-site detention and allowed to participate in the City's SWMP.
- ❖ First Seal Coat charge @ \$0.49 per sq.yd of public street surface.
- ❖ Street Signs as determined by the City Engineer.

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**Garness Jennifer**

**From:** Bob Bezek [Bob.Bezek@dnr.state.mn.us]  
**Sent:** Wednesday, August 06, 2003 9:03 AM  
**To:** garness.jennifer@co.olmsted.mn.us  
**Cc:** bieniek.kaye@co.olmsted.mn.us; Dave Leuthe; Michael Liljegren  
**Subject:** Re: Request for Comments on Preliminary Plat #03-26 to be known as Wildwood Meadow

Jennifer,

This plat has a number of lots that are in the floodway portion of the floodplain and not developable. It is my understanding that the developer is pursuing a flood map revision to accomodate the entire development. The commission may want to consider approval of the plat contingent upon a formal map revision. Such a revision is a significant effort that may not be accomplished for several months.

Bob Bezek  
Area Hydrologist  
DNR Waters  
Phone: (507) 285-7423  
Fax: (507) 285-7144  
E-Mail: [bob.bezek@dnr.state.mn.us](mailto:bob.bezek@dnr.state.mn.us)

Visit Our Website At: [www.dnr.state.mn.us/waters/](http://www.dnr.state.mn.us/waters/)

>>> Garness Jennifer <[garness.jennifer@co.olmsted.mn.us](mailto:garness.jennifer@co.olmsted.mn.us)> 08/01/03 09:56AM >>>

Comments must be submitted to our office by August 15, 2003.

<<pp0326.pdf>>

If you have any problems opening this document, please let me know.

Thank you!

Jennifer Garness  
Rochester-Olmsted Planning Department  
(507) 285-8232  
[Garness.jennifer@co.olmsted.mn.us](mailto:Garness.jennifer@co.olmsted.mn.us)



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**ROCHESTER PARK AND RECREATION DEPARTMENT**  
**201 FOURTH STREET SE**  
**ROCHESTER MINNESOTA 55904-3769**  
**TELE 507-281-6160**  
**FAX 507-281-6165**

## M E M O R A N D U M

**DATE:** August 14, 2003

**TO:** Jennifer Garness  
Planning

**RE:** Wildwood Meadow  
Preliminary Plat #03-26

Acreage of plat.....	20.09 a
Number of dwelling units.....	45 units
Density factor.....	.0244
Dedication .....	1.10 a
Fair market value of land.....	

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.

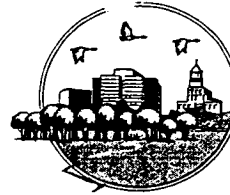
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## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Wildwood Meadow

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

**No wetland delineation has been completed for this property that has been submitted to the city.**



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Rochester-Olmsted Planning Department  
GIS/Addressing Division  
2122 Campus Drive SE  
Rochester, MN 55904-4744  
Phone: (507) 285-8232  
Fax: (507) 287-2275

## PLAT REFERRAL RESPONSE

**DATE:** August 14, 2003

**TO:** Jennifer Garness

**FROM:** Randy Growden  
GIS/Addressing Staff  
Rochester-Olmsted County  
Planning Department

**CC:** Land Consultants of SE MN

**RE: WILDWOOD MEADOW  
PRELIMINARY PLAT #03-26**

A review of the **preliminary plat** has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The use of the same roadway name on two cul-de-sacs cannot be accepted.

**RECOMMENDATION:** Rename one of the cul-de-sacs, but keep the roadway type **LANE** and directional of **SE**.

DATE: August 6, 2003

TO: Jennifer Garness, Planning Dept.  
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design  
Rochester Public Utilities  
280-1579

SUBJECT: Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow. The Plat proposes to subdivide 20.09 acres of land into 45 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The property is located south of 37<sup>th</sup> Avenue SE along the south side of 20<sup>th</sup> Street SE.

RPU's Operations Division review of the above-referenced preliminary plat is complete and our comments follow:

1. A 10' wide utility easement will be needed along the west lot line of Lot 1, Block 1 and along the east lot line of Lot 29, Block 2.

Sincerely,



la

c. Dallas M. Backhaus & Donna Rae Mann  
Land Consultants of SE MN



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: August 4, 2003

TO: Jennifer Garness, Planning

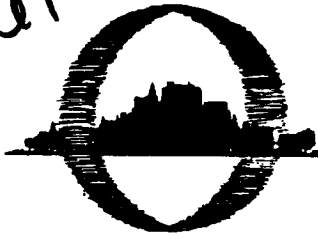
FROM: R. Vance Swisher, Rochester Fire Department

SUBJ: Land subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow.

With regard to the above noted project plan, the fire department and Minnesota State Fire Code have the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed.
    - a) An additional hydrant shall be placed on the corner of 37<sup>th</sup> Street SE and Willwood Lane. SE.
  2. Streets and roadways shall be as provided in accordance with the fire code. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
    - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street.
    - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking".
  3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
  4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division  
Mark Baker, Rochester Public Works  
Dallas M. Backhaus & Donna Rae Mann  
Land Consultants of SE MN

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COUNTY OF  
*Olmsted*

PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

August 7, 2003

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow and has the following comment:

- ***Access control must be shown on plat along CR 143.***
- ***A 480' long paved right turn lane will be required at owners expense.***
- ***Requires an Olmsted County access permit.***

Sincerely,

Michael Sheehan  
County Engineer

MS:ss



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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER



TRANSPORTATION STA. .  
DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003

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Jurisdiction	Application	Comments
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AUGUST 2003

City	FP # 03-27 by Edward Becker or Dooley's Subdivision	<ul style="list-style-type: none"> <li>The property is located along the south side of TH 14, north of Eastgate Drive SE. There are some safety concerns for left turning traffic coming out from Eastgate Dr, SE. The proximity of this intersection to the existing traffic signal at TH 14 and Marion Road also warrant some improvements.</li> <li>The Long Range Thoroughfare Plan identifies TH 14 east as upgraded expressway. Expressways are designed to be limited access roads. Due to increased traffic volume coming out from Eastgate Dr and land use changes taking place in the southwestern quadrant, It is anticipated that the existing Eastgate access may be considered for right-in/right-out only and median may be closed for through and left turning traffic.</li> </ul>															
City	Preliminary Plat # 03-26 by Dallas M. Backhaus and Donna Rae Mann known as Wildwood Meadow	<p>The plat includes 60 feet of right of way for 20<sup>th</sup> St SE, which will provide adequate right of way for a collector street and a detached trail.</p> <ul style="list-style-type: none"> <li>Dedication of controlled access will be required for the entire frontage of 20<sup>th</sup> Street SE, with the exception of proposed local street access.</li> </ul>															
City	GDP # 214 of Willow Creek Commons.  Due Date: August 15, 2003	<ul style="list-style-type: none"> <li>Proposed development of the site is anticipated to include 250,000 square feet of commercial/industrial building area on the east half of the parcel, with future phases that may potentially include an additional 50,000 to 350,000 sq. ft of commercial/industrial development.</li> <li>Current Traffic Volumes and Projected Traffic Forecasts show: <ol style="list-style-type: none"> <li>Average daily traffic of 21,100 on TH 63 south of 40<sup>th</sup> St in 2000. The projected traffic in the year 2025 is approximately 42,600 vehicles per day.</li> <li>The average daily traffic volumes on 40<sup>th</sup> street SW west of TH 63 is 5,675 in 2000 and projected to be 19,420 in the year 2025.</li> <li>The average daily traffic volumes on 48<sup>th</sup> street SW west of TH 63 was 969 in 2000 and is projected to be 11,744 in the year 2025.</li> </ol> </li> <li>As part of the planning and design work for the improvements to Highway 63 that are now beginning, a detailed traffic study of TH 63, 40<sup>th</sup> St and 48<sup>th</sup> St was completed in 2001. The Traffic Technical Memorandum for Trunk Highway 63/North Willow Creek Study Area, prepared by Edwards and Kelcey, Inc reflected the potential for significant additional development in the Willow Creek Study Area as shown in the following table:</li> </ul> <p>Table 1: Willow Creek Study Area Land Use</p> <table> <tr> <th>Land Use</th><th>Existing</th><th>Projected by Year 2025</th></tr> <tr> <td>Residential (units)</td><td>560</td><td>1,300</td></tr> <tr> <td>Commercial/Retail (sq ft.)</td><td>140,000</td><td>1,650,000</td></tr> <tr> <td>Industrial (sq ft.)</td><td>290,000</td><td>740,000</td></tr> <tr> <td>Service/Office (sq ft.)</td><td>220,000</td><td>885,000</td></tr> </table>	Land Use	Existing	Projected by Year 2025	Residential (units)	560	1,300	Commercial/Retail (sq ft.)	140,000	1,650,000	Industrial (sq ft.)	290,000	740,000	Service/Office (sq ft.)	220,000	885,000
Land Use	Existing	Projected by Year 2025															
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Service/Office (sq ft.)	220,000	885,000															

\*



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

August 8, 2003

Jennifer Garness  
Rochester-Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

**Re: Final Plat #03-03 by Century Point LLC to be known as Century Point First.  
The property is located along the east side of East Circle Drive (CR22).  
US Highway 14 C.S. 5503**

**Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and  
Donna Rae Mann to be known as Wildwood Meadow.  
US Highway 14 C.S. 5503**

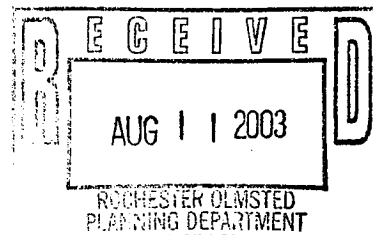
Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Mn/DOT recommends with these and other proposals that the City of Rochester develop an internal system of collector streets and manage future growth along the US Highway 14 Corridor to reduce the impacts of these developments for Mn/DOT roadways.

Thank you for keeping Mn/DOT informed. Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

Dale E. Maul  
Planning Director



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~~the development of the land. Future land uses proposed include neighborhood commercial centers, urban residential areas and neighborhood residential areas. The Special District also proposed modified roadway sections, smaller lot dimensions and setbacks. The property is located along the west side of 60<sup>th</sup> Ave. NW, north of Valleyhigh Road NW and south of 55<sup>th</sup> Street NW.~~

*These item where continued at the beginning of the meeting to September 10, 2003.*

\* Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow. The Plat proposes to subdivide 20.09 acres of land into 45 lots for residential development and 1 outlot. The plat also proposes right-of-way dedication for public roadways. The property is located south of 37<sup>th</sup> Avenue SE along the south side of 20<sup>th</sup> Street SE.

Mr. Brent Svenby presented the staff report, dated August 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Discussion ensued regarding the design of the lots on the general development plan and preliminary plat.

Mr. Cedric Schutz, of Land Consultants (1418 First Avenue NE, Rochester MN), addressed the Commission. He stated that McGhie & Betts, Inc. would be doing the engineering. The applicant is in agreement with all of the staff-recommended conditions.

Mr. Schutz stated that McGhie & Betts Environmental Services verified the locations of wetlands on the site. There is a 20 to 30 foot area along the creek bed, the outlot at the southerly part of the property would be converted to a wetland with some walking paths. The applicant still plans to put townhomes on the development, with just a different way of platting them.

Mr. Schutz stated that McGhie & Betts is looking at a different approach with regard to stormwater and filtering the water before going into the creek. There will probably be a maintenance city/owner contract.

Mr. Schutz stated that the applicant spoke with Mike Sheehan, County Engineer, and that the plans for the bridge across 20<sup>th</sup> Street are finalized. They just need to work on funding.

Mr. Haeussinger asked when the applicant proposed to petition for annexation.

Mr. Schutz responded when they submit the final plat.

Mr. Haeussinger asked what would happen if FEMA didn't approve the LOMA.

Mr. Schutz responded they would only have a few homes on the development then.

Ms. Rivas asked if the detention area is sized only for Phase I.

Mr. Schutz responded that it is mean to handle Phase I and part of Phase II. The detention facility is for filtration.

Mr. Burke asked who would monitor it.

Mr. Schutz responded that they are not positive at this time. The Association would have a contract with someone.

Ms. Rivas asked if it would be slab on grade.

Mr. Schutz responded yes.

Mr. Chris Valli, of 3536 20<sup>th</sup> Street SE, Rochester MN, addressed the Commission. He stated that he lives next door to the property being developed (to the west). He expressed concern regarding the retention pond. He stated that he has maintained a drainageway by the property line for a number of years and was concerned with additional drainage going into it. He indicated that he already gets drainage from the development at Christopher Court. He asked if the proposed development would pipe the water into the drainfield.

Ms. Rivas stated that the development could not add drainage onto his property.

Mr. Valli expressed concern with having mosquitoes due to the holding pond. He asked what would happen to the land along the creek boundary. At a previous meeting, it sounded as though they wanted to take out fill to add to the townhome development. He also questioned why a park wasn't being required.

Mr. Quinn explained that the Park and Recreation Department is asking for cash in lieu of land. Therefore, there must be a park close by that they feel another is not necessary.

Mr. Svenby explained that the money would be used for the SE quadrant of the City to purchase additional land for parks or for park equipment.

Mr. Quinn stated that the applicant hasn't applied for a permit for fill at this time.

The property owner, Mr. Dallas Backhaus, addressed the Commission. He stated that water from his property would not go onto Mr. Valli's property. He stated that the area Mr. Valli was referring to was a drainage ditch and not a drainage field.

Mr. Backhaus stated that any fill from the outlot would need to be applied for. He stated that he has contacted the DNR, and as long as they stay 75 feet from the creek banks and receive the permit, they would be increasing the flood capacity.

Mr. Backhouse stated that the bridge has been reengineered. There will be a little bit of channel work on the upstream and downstream side. The bridge would be a 100 year flood bridge. Parts of 20<sup>th</sup> Street has already been widened and repaved.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

**Ms. Rivas moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-26 by Dallas M. Backhaus and Donna Rae Mann to be known as Wildwood Meadow with the staff-recommended findings and conditions. Mr. Burke seconded the motion.**

Mr. Staver stated that he was uncomfortable with the request, as it seemed premature without the property being annexed, having 14 conditions upon approval of a plat, and no CLOMR. Also, there are questions about streets and drainage.

Ms. Petersson agreed with Mr. Staver. She stated that the FEMA maps needed to be changed first.

The motion to recommend approval carried 5-3, with Ms. Petersson, Mr. Staver, and Mr. Haeussinger voting nay.

**CONDITIONS:**

1. The Plat shall be revised, prior to the City Council hearing:
  - a. Renaming one of the cul-de-sacs keeping the roadway type "Lane" and directional of "SE".
  - b. Dedicating controlled access along the entire frontage of 20<sup>th</sup> Street SE, with the exception of the proposed local street access. In addition, controlled access shall be dedicated along the entire frontage on both sides of 37<sup>th</sup> Avenue SE and within 35 feet of the intersection of 37<sup>th</sup> Avenue SE and Wildwood Lane SE.
  - c. Dedicating a 10' wide utility easement along the west lot line of Lot 1, Block 1 and along the east lot line of Lot 29, Block 2.
  - d. Dedicating an outlot(s) for all permanent detention facilities.
  - e. Label the 100 year flood elevation boundary.
2. Grading and Drainage Plan approval is required prior to submitting the Final Plat. A Storm Water Management Fee will apply for the benefit of participation in the City's Storm Water Management Plan (SWMP) for any areas of this property that are not served by on-site detention, and are permitted to participate in the City's SWMP.
3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along both sides of all new public roads within this development. In addition, the Owner is obligated to provide a 10 foot wide bituminous pedestrian path along the entire frontage of the property abutting 20<sup>th</sup> Street SE.
4. Dedication of parkland shall be met via: cash in lieu of land, , as recommended by the City Park & Recreation Department in the attached memo, dated August 14, 2003.
5. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, floodway limitations of development, stormwater management, transportation improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, contributions for public infrastructure and the Ownership & Maintenance Agreement for "Outlot A" and the additional Outlot(s) platted for on-site stormwater ponding.
6. No Parking shall be permitted along either side of 37<sup>th</sup> Avenue SE.
7. A 480' long paved right turn lane shall be provided, at the expense of the owner, along 20<sup>th</sup> Street SE to 37<sup>th</sup> Avenue SE. The Owner shall obtain the necessary access permits from Olmsted County Public Works.
8. An additional fire hydrant shall be placed on the corner of 37<sup>th</sup> Street SE and Wildwood Lane SE.
9. The Owner shall successfully amend the floodplain boundaries through FEMA and the City of Rochester to facilitate the development proposed.
10. The property shall be annexed to the City of Rochester, prior to development.

11. This Plat does not constitute specific site plan approval or approval of dwelling placement. This property is subject to Shoreland and Floodplain regulations, in addition to standard zoning regulations of the Rochester Zoning Ordinance and Land Development Manual. The placement of all dwellings shall meet the setback or development standards of the Shoreland District.
12. An alternative street design for Wildwood Lane SE is required to address modifications to Wildwood Lane SE, that would be required if the Floodway Line is not modified to accommodate development as proposed on the preliminary plat.
13. Approval of the preliminary plat is contingent upon the applicant receiving a LOMR from FEMA for the floodway and flood prone district on the property. Also, the applicant shall receive a conditional use permit for any proposed filling within the floodprone district. The Conditional Use Permit must be obtained prior to a final plat submittal for the property. If a LOMR is not approved by FEMA, the plat shall be revised to remove all residential development from the floodway.
14. The applicant shall submit to the City for review and approval a Delineation Plan for a Wetland Boundary of this plat.

General Development Plan #214 by Frank Kottschade to be known as Willow Creek Commons. The applicant is proposing to develop approximately 69 acres of land with a variety of land uses consisting of commercial and industrial uses. The property is located along the south side of 40<sup>th</sup> Street and along the west side of TH 63.

Mr. Brent Svenby presented the staff report, dated August 22, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that he received a fax and email on Friday of where the stormwater detention facilities would be located, which would need to be platted as outlots.

Discussion ensued regarding staff-recommended condition number 9. It was stated that the proposed use for each lot could trigger a traffic analysis.

The applicant's representative, Mr. John Dietrich, of RLK Kausisto, addressed the Commission. He stated that the applicant is in agreement with the 12 staff-recommended conditions.

Mr. Haeussinger asked what types of potential uses would be used on the property.

Mr. Dietrich responded they could be retail in nature and also of a light industrial or office use.

Mr. Haeussinger stated that the applicant attempted to put a temporary asphalt plant on the site previously. He asked if the project is still being looked at by the applicant.

Mr. Dedrick responded that he was not aware of it.

Mr. Haeussinger explained that the Commission does not want an application before them for the asphalt plant.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Ohly moved to recommend approval of General Development Plan #214 by Frank